



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,350	10/16/2001	Catherine L. Amann	03292.101370	6710
66569 7590 08/29/2008 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
LIU, I JUNG				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
08/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/982,350

Applicant(s)

AMANN ET AL.

Examiner

MARISSA LIU

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 9, 10, 12, 13, 16, 18, 19, 21, 22 and 24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4, 6, 7, 9, 10, 12, 13, 16, 18, 19, 21, 22 and 24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notices of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are presented for examination. Applicant filed an amendment on 7/11/2008 amending claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24. In view of Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 based on 35 USC 112, 35 USC 101, 35 USC 102 and 35 USC 103. However, new grounds of rejection of claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 4, 6, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al., US Patent Number: 5,220,501 in view of Lowry et al., US Patent Number: 4,864,497, in view of Braun et al., U.S. Patent No. 4,321,672, further in view of Official Notice.

4. As per claim 1 or 13, Lawlor et al. teaches a system or method for executing a cash payment from a computer network, the system comprising:

a peer to peer server operative to: and debit a financial instrument specified by a user of the payor computing device, wherein the payor computing device and the peer to peer server are in communication according to a native format of the peer to peer server (abstract; column 18,

lines 19-50, column 21, lines 19-46; where “standard format” is equivalent of “native format”);
and

to receive the payment request, and translate the payment request into the native format of an automated teller machine control server (column 18, lines 19-50; column 19, line 54-column 20, line 6; column 21, lines 19-46; abstract; where “standard format” is equivalent of “native format”), transmit the payment request to the automated teller machine control server (column 41, line 65-column 42, line 17; Fig. 13; abstract; column 18, lines 19-50, column 21, lines 19-46) and transmit the payment instructions and [[a]] the PIN code to an automated teller machine, to enable the automated teller machine to dispense the payment upon receipt of the personal identification number code (column 21, lines 19-46).

Lawlor et al. does not teach:

receive the payment request from a payor computing device over the computer network, the payment request being associated with a transaction between the payor and a payee; associated with an account of the payor; to the payee by the payee in satisfaction of the transaction; and a request translation software operative to: translate the request; the ATM control server operative to generate payment instructions and a PIN code;

Lowry et al. teaches:

And a request translation software operative to: translate the request (column 9, lines 62-65).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add request translation software operative to translate the request feature to a system or method for executing a cash payment from a computer network of Lawlor

et al. because Lowry et al. teaches that adding the feature helps to provide a means for managing the access to such a common data structure by application programs and to make request into an appropriate format (see column 2, lines 43-45 and column 9, lines 62-65).

Braun et al. teaches the following:

the automated teller machine control server operative to generate payment instructions (see Fig. 6) and a personal identification number code (see Fig 4; columns 2-3 and 11-15).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the automated teller machine control server operative to generate payment instructions and a personal identification code feature to a payor computing device of Schutzer because Braun et al. teaches that adding the feature helps essentials of the transaction can be transmitted efficiently to the financial institution, without complex input procedures (see column 3, lines 32-45 of Braun et al.).

Official Notice is taken that receive payment request from a computing device over computer network, payment request being associated with transaction between payor and payee, associated with account of payor and to payee by payee in satisfaction of transaction features is old and well known in the banking industry as a convenient way for business to serve its customer.

Therefore, it would have been obvious at the time of the invention to include the features to execute a cash payment.

5. As per claim 4 or 16, Lawlor et al., Braun et al., Official Notice and Lowry et al. teach a system or method of claim 1 or 13 described above. Lawlor et al. further teaches system wherein the request translation software is operative to translate the payment request into

multiple native formats of a plurality of disparate automated teller machine control servers (column 18, lines 19-50, column 19, line 54-column 20, line 6, column 21, lines 19-46; where “standard format” is equivalent of “native format”).

6. As per claim 6 or 18, Lawlor et al., Braun et al., Official Notice and Lowry et al. teach a system or method of claim 1 or 13 described above. Lawlor et al. further teaches a system wherein the automated teller machine control server is operative to receive a first response generated by the automated teller machine indicating the automated teller machine has received the payment instructions (abstract; column 21, lines 19-45).

7. Claim 7, 9-10, 12, 19, 21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al., US Patent Number: 5,220,501 in view of Lowry et al., US Patent Number: 4,864,497, further in view of Braun et al., U.S. Patent No. 4,321,672 (PTO-892 reference B) further in view of Official Notice.

8. As per claim 7 or 19, Lawlor et al., Braun et al., Official notice and Lowry et al. teach a system or method of claim 6 or 18 described above. Lawlor et al. further teach wherein the request translation software is operative to: receive a response from the automated teller machine control server translate the response into a native format of the peer to peer server, and transmit the response to the peer to peer server (abstract; column 18, lines 19-50, column 21, lines 19-46; where “standard format” is equivalent of “native format”).

Lawlor et al. does not teach: by the request translation software, second response.

Official Notice is taken that by the request translation software, a/the second response is old and well established in the business of banking as a convenient way for ATM or company or individual to obtain more information. It would have been obvious to one having ordinary skill

in the art at the time of the invention to have included by the request translation software, a/the second response to system for executing cash payment.

9. As per claim 9 or 21, Lawlor et al., Official Notice and Lowry et al. teach a system or method of claim 7 or 19 above. Lawlor et al. further teaches wherein the peer to peer sever is operative to transmit a response to a payee computing device (column 21, lines 19-46; abstract).

Lawlor et al. does not teach: a third response to at least one of the payor computing device and.

Official Notice is taken that a third response to at least one of the payor computing device and is old and well established in the business of banking as a convenient way for ATM or company or individual to obtain more information. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included by a third response to at least one of the payor computing device and to system for executing cash payment.

10. As per claim 10 or 22, Lawlor et al., Official Notice and Lowry et al. teach a system or method of claim 9 or 21 described above. Lawlor et al. further teaches wherein the response comprises the personal identification number code (column 21, lines 19-46; abstract).

Lawlor et al. does not teach: at least one of the first response, the second response and the third response comprise at least one of payment instructions and.

Official Notice is taken that a at least one of the first response, the second response and the third response comprise at least one of payment instructions and is old and well established in the business of banking as a convenient way for ATM or company or individual to obtain more information. It would have been obvious to one having ordinary skill in the art at the time of the

invention to have included at least one of the first response, the second response and the third response comprise at least one of payment instructions and to system for executing cash payment.

11. As per claim 12 or 24, Lawlor et al., Official Notice and Lowry et al. teach a system or method of claim 10 or 22 described above. Lawlor et al. further teaches wherein the automated teller machine dispenses an amount specified by the payment instructions in response to the personal identification number code (column 21, lines 19-46; abstract).

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694